

MAT-7985US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Fujinaka

Serial No.: 09/607,103

Filed: June 29, 2000

FOR: MOTOR CORE AND MOTOR USING

THE SAME

: Art Unit: 2834

: Examiner: T. Lam

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PATENT

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#8 / Petition
5-18-02
D. EVANS

PETITION FOR RECONSIDERATION OF OFFICE OF PETITIONS

RESTRICTION REQUIREMENT 37 C.F.R. 1.181

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

This Petition is being filed to request reconsideration of the Restriction Requirement dated October 3, 2001. The Restriction Requirement indicated that the application contained claims directed to twenty patentably distinct species.

In response Applicant elected for further prosecution the claims corresponding to Species A. Applicant believes that claims 1 and 42 correspond to Species A. This election was made with traverse.

At the time that Applicant filed its response, Applicant respectfully requested a modified election requirement. Specifically, Applicant respectfully asserted that it would be appropriate to designate the claims as corresponding to two groups, namely Group I (Figs. 1-40 and 44-50) and Group II (Figs. 41-43). Claim 1 is a generic claim corresponding to the core and claim 42 is a generic claim corresponding to the motor. Claim 16 is generic to claims 2 and 15. Claim 45 is generic to claims 43 and 44.

Notwithstanding the above, claims 1 and 42 are generic. Specifically, claim 1 is generic to claims 16, 17, and 35, and claim 42 is generic to claims 45,

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46, and 48. Claims 2 and 15 are generic to claim 16 while claims 43 and 44 are generic to claim 45.

Thus, while claims 1 and 42 are readable on Species A, Applicants respectfully assert that a Species corresponding to Figs. 1-40 and 44-50 should have appeared in the election requirement and that Applicants would have elected claims 1, 2, 15, 16, 17, 35, 42, 45, 43, 44, 46, and 48 if given the opportunity to make such an election. The Examiner's failure to so designate the Species is erroneous.

In response to Applicants' request, the Examiner made the restriction final. The Examiner incorrectly understood Applicants' position that claim 1 is generic to claims 16, 17, and 35, claim 42 is generic to claims 45, 46, and 48, claims 2 and 15 are generic to claim 16, and claims 43 and 44 are generic to claim 45. Rather, the Examiner understood that "Applicant identified a number of claims such as claims 2, 15, 16, 17, 35, 45, 46, 48 as genetic [sic] claims." Office Action dated February 11, 2002 at page 2. The Examiner further stated that "identified genetic claims by Applicant that have been evidently shown many embodiments are claimed." Based on this erroneous interpretation of Applicants' statement the Examiner made the requirement final.

In view of the errors made by the Examiner in the original requirement and in making the requirement final, Applicants respectfully request reconsideration of the Restriction Requirement.

Respectfully Submitted,



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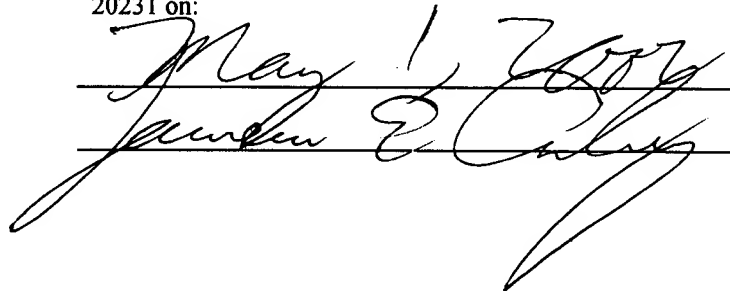
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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C.
20231 on:



May 1, 2002
Lawrence E. Ashery